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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,948	07/08/2003	John J. McSheffrey	04373-033001	7119
26161	7590	03/22/2006	EXAMINER	
FISH & RICHARDSON PC			NGUYEN, DINH Q	
P.O. BOX 1022			ART UNIT	
MINNEAPOLIS, MN 55440-1022			PAPER NUMBER	

3752

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,948

Applicant(s)

MCSHEFFREY ET AL.

Examiner

Dinh Q. Nguyen

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-43 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,11-17 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-10,18-25 and 27-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/05,2/05,5/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-3, 5-43 in the reply filed on 1/19/06 is acknowledged. Applicant elected Species VI and alleged that claims 1-3, 5-43 readable on the elected Species. However figure 8 of the elected Species does not show the followings: a fire extinguisher of claim 2 (figure 3), or a fire alarm pull station of claim 3 (figures 6 and 7), or an emergency lighting station of claim 5 (figure 9), or the proximity sensor for using in the alarm pull station of claims 11-17 (as disclosed in page 20, lines 17-21 and figure 6), or an emergency egress station of claim 26. Therefore, claims 2, 3, 5, 11-17, and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. The Restriction requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 7, 18-21, 27, 28, 31, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al.

Morgan et al. discloses an apparatus for remote inspection of emergency equipment comprising: a detector 48 located from an emergency equipment station 46

for detection of access to the emergency equipment station 46 and is separately located with respect to the defibrillator, wherein the emergency equipment station including a defibrillator station 10 with a portable defibrillator and an electronic circuit in the communicator 14 for communicating with a remote central station 24 to issue an RF signal for accessing the emergency equipment station 46 (see figure 3 and column 6, lines 52-67), the communication from the emergency equipment station is configured to interface with a hardwire connection such as telephone lines (see column 3, lines 32-54).

4. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Cronin et al. Cronin disclose an emergency equipment station 10 having a portable defibrillator, one or more batteries with a low battery detector 18/19 (see column 4, lines 29-37)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 29, 30, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Hinchler (U.S. Patent No. 5,793,280).

Morgan et al. teaches all the limitations of the claims except for a detector for detection of an obstruction to viewing. However, Hinchler discloses an emergency equipment station 10 with a detector 82 for detection of an obstruction to viewing, an

audible alarm 44, and a visual alarm 42. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan et al. with detector for detection of an obstruction to viewing as suggested by Hinchler. Doing so would provide an effective emergency equipment station (see column2, lines 10+).

With respect to claim 8, to have the detection range of 6 inches to 10 feet is obvious with one skilled in the art and furthermore, one of ordinary skill in the art would have expected Applicant's invention to perform equally well with either claimed dimensions or the Hinchler's device. Therefore, it would have been an obvious matter of design choice to modify the device of Morgan et al. in view Hinchler to obtain the invention as specified in claim 8.

7. Claims 9, 10, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Rockwell et al.

Morgan et al. teaches all the limitations of the claims except for the communication between two emergency equipment stations. However, Rockwell discloses an emergency equipment station with wireless communications that is capable with point -to-point communication with another emergency equipment station (see column 11, lines 25+). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan with the communication between two emergency equipment stations as suggested by Rockwell. Doing so would provide a convenience and effective emergency equipment station (see column 5, lines 2-57).

8. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Cronin et al.

Morgan et al. teaches all the limitations of the claims except for a detector for a low battery condition. However, Cronin et al. discloses an emergency equipment station 10 having a portable defibrillator, one or more batteries with a low battery detector 18/19 (see column 4, lines 29-37). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan with the communication between two emergency equipment stations as suggested by Cronin et al. Doing so would provide a convenience and effective emergency equipment station.

9. Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin et al. in view of Morgan et al.

Cronin et al. teaches all the limitations of the claims except for a wireless or a hardwire communication. However, Morgan et al. discloses an emergency equipment station with wireless or hardwire communication capabilities. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Cronin et al. with a wireless or a hardwire communication as suggested by Morgan et al. Doing so would provide a versatile emergency equipment station (see column 1, lines 25-40).

Conclusion

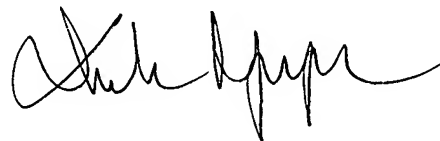
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show the art with respect to an emergency equipment station: Wassil, Kirchgeorg et al., and Kolder et al.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dinh Q Nguyen
Primary Examiner
Art Unit 3752

dqn